

E-FILED ON AUGUST 24, 2006

Annette W. Jarvis, Utah Bar No. 1649
 RAY QUINNEY & NEBEKER P.C.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, Utah 84145-0385
 Telephone: (801) 532-1500
 Facsimile: (801) 532-7543
 Email: ajarvis@rqn.com

and

Lenard E. Schwartz
 Nevada Bar No. 0399
 Jeanette E. McPherson
 Nevada Bar No. 5423
 Schwartz & McPherson Law Firm
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Telephone: (702) 228-7590
 Facsimile: (702) 892-0122
 E-Mail: bkfilings@s-m-law.com
 Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

Case No. BK-S-06-10725 LBR

Case No. BK-S-06-10726 LBR

Case No. BK-S-06-10727 LBR

Case No. BK-S-06-10728 LBR

Case No. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor.

Jointly Administered Under

Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

**NOTICE OF ENTRY OF ORDER
 DENYING MOTION FOR RELIEF
 FROM AUTOMATIC STAY FILED
 BY ROLLAND P. WEDDELL AND
 SPECTRUM FINANCIAL GROUP
 (AFFECTS USA COMMERCIAL
 MORTGAGE COMPANY)**

In re:
 USA SECURITIES, LLC,

Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Date: August 16, 2006

Time: 9:30 a.m.

1 NOTICE IS HEREBY GIVEN that an Order Denying Motion for Relief from Automatic
2 Stay Filed by Rolland P. Weddell and Spectrum Financial Group (Affects USA Commercial
3 Mortgage Company) was entered on August 24, 2006, a copy of which is attached hereto.

4 Dated: August 24, 2006

5 */s/ Lenard Schwartzer*

6 _____
7 Lenard E. Schwartzer, Esq.
8 Jeanette E. McPherson, Ewq.
9 Schwartzer & McPherson Law Firm
10 2850 South Jones Boulevard, Suite 1
11 Las Vegas, Nevada 89146-5308
12 Attorney for Debtors and Debtors-in-Possession
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 · Fax: (702) 892-0122

CERTIFICATE OF SERVICE

1. On August 24, 2006 I served the following document(s):

a. Notice of Entry of Order Denying Motion for Relief from Automatic Stay Filed by Rolland P. Weddell and Spectrum Financial Group (Affects USA Commercial Mortgage Company)

2. I served the above-named document(s) by the following means to the persons as listed below:

☐ a. **By ECF System:**

☒ b. **By United States mail, postage fully prepaid:**

Rob Charles, Jr., Esq.
Lewis and Roca, LLP
3993 Howard Hughes Pkwy.
#600
Las Vegas, NV 89109

Elissa F. Cadish, Esq.
Hale Lane Peek Dennison and Howard
3930 Howard Hughes Pkwy.
4th Floor
Las Vegas, NV 89109

☐ c. **By Personal Service**

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

SCHWARTZ & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 · Fax: (702) 892-0122

1 ☐ e. **By fax transmission**

2 Based upon the written agreement of the parties to accept service by fax
3 transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed
4 below. No error was reported by the fax machine that I used. A copy of the record of the fax
transmission is attached.

5 ☐ f. **By messenger**

6 I served the document(s) by placing them in an envelope or package addressed to
7 the persons at the addresses listed below and providing them to a messenger for service.

8 **I declare under penalty of perjury that the foregoing is true and correct.**

9 Signed on: August 24, 2006

10 REBECCA MOSS

/s/ REBECCA MOSS

11 (Name of Declarant)

(Signature of Declarant)

SCHWARTZER & MCPHERSON LAW FIRM

2850 South Jones Boulevard, Suite 1

Las Vegas, Nevada 89146-5308

Tel: (702) 228-7590 • Fax: (702) 892-0122



Entered on Docket
August 21, 2006

Hon. Linda B. Riegler
United States Bankruptcy Judge

Annette W. Jarvis, Utah Bar No. 1649
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500
Facsimile: (801) 532-7543
Email: ajarvis@rqn.com
and
Lenard E. Schwartz, Nevada Bar No. 0399
Jeanette E. McPherson, Nevada Bar No. 5423
SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Telephone: (702) 228-7590
Facsimile: (702) 892-0122
E-Mail: bkfilings@s-mlaw.com
Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
Debtor.

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

**ORDER DENYING MOTION FOR
RELIEF FROM AUTOMATIC STAY
FILED BY ROLLAND P. WEDDELL AND
SPECTRUM FINANCIAL
GROUP(AFFECTS USA COMMERCIAL
MORTGAGE COMPANY)**

In re:
USA SECURITIES, LLC,
Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Date: August 16, 2006
Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 • Fax: (702) 892-0122

The Motion for Relief from Automatic Stay (the "Motion") filed by Rolland P. Weddell and Spectrum Financial Group having come before this Court after notice; the movants being represented by Elissa F. Cadish, Esq. of Hale Lane Peek Dennison and Howard, USA Commercial Mortgage Company being represented by Lenard E. Schwartz, Esq. of the Schwartz & McPherson Law Firm, Rob Charles, Esq. of Lewis and Roca, LLP representing the Official Committee of Unsecured Creditors, and other appearances having been made on the record; the Court having reviewed the pleadings, having heard the arguments of counsel and having made its findings and conclusions on the record, it is

ORDERED that the Motion is denied; and it is further

ORDERED that the automatic stay in this case does not apply to the movants' claims against non-debtor defendants in the litigation now pending in the United States District Court for the District of Nevada as Case No. CV-S-01-0355-KJD-LRL.

Prepared by

SCHWARTZER & MCPHERSON LAW
FIRM

By: /s/ Lenard E. Schwartz, Esq.
LENARD E. SCHWARTZER, ESQ.
Counsel for USA Commercial Mortgage
Company

Approved/Disapproved by:

LEWIS AND ROCA, LLP

Approved/Disapproved by:

HALE LANE PEEK DENIISON and HOWARD

By: /s/ Rob Charles, Esq.
ROB CHARLES, ESQ.
SUSAN M. FREEMAN, ESQ.
Counsel for the Official Committee
of Unsecured Creditors of USA
Commercial Mortgage Company

By: /s/ Elissa F. Cadish, Esq.
ELISSA F. CADISH, ESQ.
SCOTT D. FLEMING, ESQ.
Counsel for Rolland P. Weddell and
Spectrum Financial Group

###